REMARKS

Applicant respectfully requests consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed on December 31, 2007. Claims 1-8 are rejected. In this Amendment, claim 1 has been amended and claim 9 has been added. No new matter has been added.

35 U.S.C. §112

The Examiner has rejected claim 1-8 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner asserts that the limitation "the GUI graphically illustrating optimal conditions for offering the item for sale," recited in claim 1, lacks written description support in the present specification. Applicant respectfully disagrees.

The above limitation is disclosed in numerous places within the Specification (e.g., page 2, lines 2-6; page 8, lines 7-17; Figure 10; etc.). For example, page 8 of the present Specification includes the following description of Figure 10:

> Figure 10 shows an example of a recommendation that can be generated for a seller based on data in the database about similar items that have already been sold. In the example, the graphical user interface shows the item name 1001, ... and the auctions 1004 selected for the recommendation. Table 1005 shows the recommendation for the seller that, according to the information in the database, will produce the highest final price for the item. In the example, the highest price will be obtained if the seller offers the item on auction site eBay, with an auction length of 5 days, in the month of August, with a minimum bid of $207.00, with no reserve price. The web page that announces the item for sale should have 3 graphics and 217 words, in this example.

That is, the present Specification specifically discloses a GUI that graphically illustrates optimal conditions for offering an item for sale, as recited in claim 1. Thus, applicant respectfully requests that the Examiner remove his rejection under 35 U.S.C. § 112.

Claim 1 has been further amended to recite the limitation "...the optimal conditions for offering the item for sale being determined based on the previous sales data pertaining to the item to be offered for sale." In addition, new claim 9 has been added to recite the limitation "wherein the optimal conditions for offering the item for sale comprise one or more of a recommended auction site, a recommended auction length, a recommended month for auctioning the item, a recommended minimum bid, a recommended reserve price, and recommended content of a web page for the item." Both of these limitations have written support in the present Specification (e.g., see the Specification portion cited above).

35 U.S.C. §103

The Examiner rejected claims 1 and 4 under 35 U.S.C. §103(a) as being unpatentable over Rackson, (U.S. Patent No. 6,415,270, hereinafter "Rackson"), in view of Ramakrishnan, et al., ("Database Management System" Copyright 2000, pages 3, 4, 8 and 9, hereinafter "Ramakrishnan"), and further in view o f Official Notice. Claims 2 and 5 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rackson, in view of Ramakrishnan, and further in view of Official Notice and further in view of Bailey, et al., (U.S. Patent No. 6,785,671, hereinafter "Bailey"). Claims 3 and 6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rackson, in view of Ramakrishnan, and further in view of Official Notice and of Searcher, et al, ("Intelligent agents: A primer," hereinafter "Searcher"). As discussed below, the pending claims are patentable over the above references.

Rackson discloses a multi-auction service that automatically replicates an item to be auctioned at multiple remote auctions. Contrary to the presently claimed invention, Rackson does not teach or suggest at least providing a GUI that graphically illustrates optimal conditions for offering an item for sale, where the optimal conditions for offering the item for sale are

determined based on previous sales data pertaining to the item to be offered for sale. The Examiner asserts that Rackson teaches providing a visual representation of optimal condition for offering the item for sale and cites several portions of Rackson for this limitation. In additional, the Examiner acknowledges that the cited prior art does not explicitly teach a GUI and takes Official Notice for this teaching, asserting that it would have been obvious to one of ordinary skill in the art to incorporate this feature into the cited prior art. Applicant respectfully disagrees.

Firstly, Rackson does not teach or suggest graphically illustrating optimal conditions for **offering an item for sale**, where the optimal conditions for offering the item for sale are determined based on previous sales data pertaining to the **item to be offered for sale**, as required by claim 1. At most, Rackson teaches assisting a bidder in determining optimal conditions for **placing a bid** (i.e., determining an optimal **bid**) for an item offered at different auctions. Specifically, Rackson provides a visual representation for the bidder to describe parameters of the items to be purchased and to optionally display historical data to the bidder in a chart form showing the distribution of final bids based on the strategies used or upon the condition factor of the item (Rackson, col. 24, lines 5-51). Hence, Rackson at most illustrates an optimal strategy for **placing a bid**, and not optimal conditions for **offering an item for sale**, as required by claim 1. Thus, claim 1 is patentable over Rackson.

Ramakrishnan does not help Rackson to render the presently claimed invention unpatentable. Ramakrishnan lacks at least the same limitations of claim 1 that are missing from Rackson, i.e., the limitations of claim 1 which require providing a GUI that graphically illustrates optimal conditions for offering an item for sale, where the optimal conditions for offering the item for sale are determined based on previous sales data pertaining to the item to be offered for sale. Furthermore, the same limitations are also missing from each of the other references (Bailey and Searcher).

As to Official Notice taken by the Examiner with respect to a GUI, applicant agrees with the Examiner that the concept of displaying information in a GUI is well known in the art. However, graphically illustrating optimal conditions for offering an item for sale in a GUI is not well known in the art, and is a unique feature provided by the presently claimed invention to assist sellers wishing to sell items on an online auction, and to "enable them to optimize the placement, presentation, minimum price, and other parameters about the items for sale, in order to maximize the sale price and thus their profits" (Specification, page 1, lines 21-23). None of the cited references teach or suggest the above features of the presently claimed invention. Neither are the cited references directed to providing the above advantages to sellers wishing to sell items on online auctions. Accordingly, the cited references, taken alone or in combination, do not teach or suggest the present invention as claimed in claim 1.

Applicant respectfully submits that claim 1 and its dependent claims 2-9 are patentable over the cited references and requests the withdrawal of the rejections under 35 U.S.C. §103(a), Applicant further submits that the pending claims are in condition for allowance, which action is earnestly solicited.

DEPOSIT ACCOUNT AUTHORIZATION

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Marina Portnova at (408) 720-8300.

Respectfully submitted,

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